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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/922,753	08/06/2001	Gregg Freishtat	46883/262503	9573
23859	7590	07/26/2006	EXAMINER	
NEEDLE & ROSENBERG, P.C. SUITE 1000 999 PEACHTREE STREET ATLANTA, GA 30309-3915			LANEAU, RONALD	
			ART UNIT	PAPER NUMBER
			3627	

DATE MAILED: 07/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/922,753

Applicant(s)

FREISHTAT ET AL.

Examiner

Ronald Laneau

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5,8-18 and 65-70 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5,8-18,65-70 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Response to Amendment***

1. The response filed on 5/19/06 has been entered. Claims 1-5, 8-18 and 65-70 remain pending.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5, 8-11, 13-18 and 65-70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Szlam et al. (US 2002/0047859 A1) in view of Bednarek (6,965,868 B1).

As per claims 1 and 65-70, Szlam discloses a method for selling goods and services in conjunction with the Internet (0003) comprising: receiving session information from an enterprise's website about a customer's session on the website, the website being associated with a selected one of a plurality of enterprises and the session information comprising the products the customer is searching ((0031, 0012), (0015, (0017-(0018), (0046), (0053)-(0072); determining from the session information and any customer information that the customer constitutes a sales opportunity appropriate for assistance from a sales associate (Figs. 2-7; (0053-0072); matching the customer with the sales associate, the sales associate being independent from the plurality of enterprises (Fig. 7; [0073]-[0074]); facilitating communication for a sales transaction between the customer and the matched sales associate via the internet (Fig.7; [0073]-[0074] - Help screen has representative message "We have noticed that you have returned to this

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web page several times. Do you require assistance? If so, please type your question or the problem you are having and you will be immediately connected on-screen with a Customer Service Representative" - in response to returning to product screens, or similar message for remaining on an order screen); receiving sales information ([0074] and [0081] - Szlam discloses that the Customer Service Representative receives "sales information" that is delivered to the customer ms other appropriate messages forming the basis of the contact strategy or marketing campaign and is implicitly a part of the ability to deliver a targeted presentation to the customer used by the CSR to provide enhanced and more personalized service); providing the session, customer, and sales information to the matched sales associated based on the particular sales opportunity with the customer (Szlam does not explicitly disclose that this information is provided to the CSR).

Szlam does not specifically disclose that the sales associate receives sales information, or is provided the session, customer and sales information based on the particular sales opportunity with the customer. Bednarek discloses a method and apparatus where agents are matched in "outbound campaigns" to contact customers via the Internet, where the agents are provided sales information, session information and customer information based upon a sales opportunity (col. 85, lines 30-40).

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to have matched an agent with a customer and provided the agent with session, customer and sales information as taught in the method of Bednarek in Szlam because it would facilitate better communication between the customer and the agent resulting in better customer service and therefore increase sale and profitability.

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As per claim 2, Szlam discloses that customer information is received from the enterprise ([0013]-[0014], [0046]-[0047] - log-on information, profile and stored information).

As per claim 3, Szlam discloses that customer information is received from a third party ([0014] - use of cookies to collect profile information, i.e. demographics, etc.).

As per claim 4, Szlam discloses that the session information is parsed (Figs. 1-7) and that the agent provided can be determined by rules so that the best available agent is provided [0085]. However, neither Szlam nor Bednarek explicitly discloses that this segmentation is in accordance with product accreditation achieved by sales associates or that each sales associate is present with different types of sales opportunities depending on the product accreditation.

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to have parsed the session information in accordance with product accreditations and presented the sales associate with the appropriate type of sales opportunity depending upon the product accreditation, i.e. the best fit, as taught in Szlam and Bednarek because it provides the enterprise with the best utilization of its resources, provides the customer with the most knowledgeable sales representative and increases the likelihood of a sale through customer satisfaction. Such best fit routing, funneling, is well-known in the call center art.

As per claim 5, Szlam does not specifically discloses whether the sales opportunities are determined from a single web site or a plurality of web sites and if it is a plurality of web sites whether the sales associates are employed by the enterprise or are independent of the enterprise. Bednarek discloses a distributed topology where a single communication center may span multiple physical locations, a segmented communication center where a single pool of agents services more than one company or customer base, or a wide communication network where a

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plurality of communication centers cooperatively service a common pool of customers of a customer base, i.e. all of the alternative set forth in claims 5-7, additionally discloses these variations to be configured according to common object modeling dependent upon the type of enterprise situation, i.e. business rules and decisions of a particular industry or company (col. 37, line 51 to col. 38, lines 38). Therefore, it would have been obvious to one of ordinary skill in the art to have utilized a single web site or a plurality of web sites to determine the sales opportunity as disclosed in Beck in Szlam, as it is an enterprise business decision based upon business rules as taught in Bednarek.

As per claims 8-10, Szlam discloses facilitating bridging out from Internet communication between the customer and sales associate to another mode of communication between the customer and sales associate ([0010] - CSR may communicate with the customer via various media including, but not limited to, electronic chat, e-mail, multi-media/presentation form exchanges, voice over Internet Protocol (VoIP), voice over Public Switched Telephone Network (PSTN) and fax).

As per claim 11, neither Szlam nor Bednarek explicitly teaches that the bridged mode of communication occurs over a wireless communication network. The examiner takes Official Notice that Wi-Fi and the IEEE Wireless Standard 802.11 is an old and well-known way of connecting to the Internet utilizing a PDA or notebook without the use of plugging in to a modem. It would have been obvious to one having ordinary skill in the art at the time of the invention to have included the step of bridging communication over a wireless communication network in Szlam/Bednarek by using Wi-Fi the IEEE Wireless Standard 802.11 because the skilled artisan would have recognized that this practice is the wireless standard and allows

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customers to utilize a wide variety of wireless devices including PCs, notebooks, PDAS, etc. to connect to the Internet and buy goods thus broadening the availability of the agents to service customers and increase sales and profitability utilizing a standard industry protocol. These advantages are well known to those skilled in the art.

Claim 13 is rejected for the same reasons as claim 1.

As per claim 14, Szlam does not explicitly disclose that the sales information comprises product information, catalog information, and external information. Bednarek discloses that sales information is provided to the sales agent is determined based upon enterprise (Business) rules and internal media layer provides information about the customer or contact, information about current or historical business processes, information about current interactions and their relationship to business processes, and a knowledge base to guide the agent (cols. 12; 37-38). However, these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The receiving and providing steps would be performed the same regardless of the data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 2'7 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to receive and provide sales information of any type to the sales associate because such data does not functionally relate to the steps in the method claimed and because the subjective interpretation of the data does not patentably distinguish the claimed invention.

As per claim 15, Szlam does not explicitly disclose that some of the sales information is obtained from the enterprise. Bednarek discloses that some of the sales information is obtained

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from the enterprise, further that the sales information provided to the agent is enterprise (business) rule dependent based upon the type of model desired and the situation (see abs.). Therefore, it would have been obvious to one of ordinary skill in the art to have utilized information obtained from the some of the sale information obtained from the enterprise with the sales agent as disclosed in Bednarek and in Szlam, as it is an enterprise business decision based upon business rules as taught in Bednarek.

As per claim 16, Szlam, does not disclose that some of the sales information is obtained from a third party. Walker discloses that some of the sales information is obtained from a third party, further discloses that the sales information provided to the agent is enterprise (business) rule dependent based upon the type of model desired and the situation (cols. 21, lines 1-11). Therefore, it would have been obvious to one of ordinary skill in the art to have utilized information obtained from the some of the sale information obtained from the third party with the 'sales agent ms disclosed in Bednarek in Szlam, as it is an enterprise business decision based upon business rules as taught in Bednarek.

As per claim 17, Szlam does explicitly disclose that the sales information provided to the sales associate is pertinent to the sales opportunity based on the characteristics of the sales opportunity. Bednarek discloses that the sales information provided to the sales associate is pertinent to the sales opportunity based on the characteristics of the sales opportunity because it affords the sales agent the ability to begin mental preparation before taking the call (col. 9) and provides seamless integration between the multimedia and application type, thereby allowing agents to respond intelligently and efficiently to customers, as well as maximizing agent efficiency (cols. 3-4). Therefore, it would have been obvious to one of ordinary skill in the art at



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the time of the invention to have utilized pertinent sales information with the sales agent as taught in Walker with the method of Szlam/Bednarek for the specific reasons set forth in Walker.

As per claim 18, Szlam does not teach that the sales information provided to the sales associate is associated with the results of a previous sales opportunity and there is a dynamic re-ranking of the aggregate sales information in terms of selling effectiveness which is incorporated in the sales information provided to a next sales associate presented with a similar opportunity. Bednarek teaches providing sales information to a sales associates associated with the results of a previous sales opportunity and there is a dynamic re-ranking of a previous sales opportunity in terms of selling effectiveness provided to the next sales associates incorporated into the sales information so that the interaction with the client can lead to a more productive interaction, i.e. a purchase (col. 32). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have incorporated the sales information associated with the results of a previous sales opportunity of Beck into the method of Szlam/Bednarek for the explicit reasons set forth in Bednarek.

Claim 60 is rejected for the same reasons set forth in claims 6 and 7.

4. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Szlam and Bednarek as applied to claim 1 above, and further in view of England (6,144,991).

As per claim 12, Szlam does not explicitly disclose that the sales associate has the capability to manipulate the customer's navigation of the Internet. Bednarek discloses that the agent may create and edit web form, embed controls into sub web-based forms or pages to provide certain customer interaction mechanism in addition to having a fully functional

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navigation tool at his disposal, i.e. the agent can manipulate the client's computer over the Internet. However, neither Szlam nor Bednarek discloses that the sales associate has the capability to manipulate the customer's navigation of the Internet, England, discloses that the salesperson can show the client Web pages and/or Internet Resources such as a product in an electronic catalog and that the salesperson can then immediately take the client to a Web page to purchase the item (col. 14, lines 1-14). England additionally discloses that the sales person and client can engage in a collaborative conference to further facilitate the exchange of information (col. 14, lines 1-14). England further discloses that people searching for information on a business web site to place an order often require personal assistance to find the desired product, that if they have to wait they will often go to a competitor's web site and that many web sites are complicated to navigate requiring a practical technique for providing a user with a mechanism to minimize the frustration, i.e. an interactive guide/agent interconnection (cols. 6-8). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to have utilized a salesperson's ability to manipulate the customer's navigation of the Internet as taught in England in the method of Szlam/Bednarek for the explicit reasons set forth in England.

### ***Response to Arguments***

5. Applicant's arguments filed on 5/19/2006 have been fully considered but they are not persuasive.

Applicant argues that Szlam does not disclose "matching the customer to a list of the best sales associates, notifies the determined best sales associates, and enables the best sales associates to choose whether or not to assist the customer, i.e. the best sales associates get to

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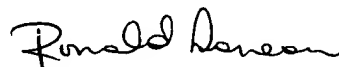
‘race’ to assist the customer.” In response to Applicant’s arguments, the system of Szlam inherently discloses such features of the claimed invention because the disclosure of Szlam provides assistance to customer looking to purchase a product online. Based on the customer profile, a sales associate or expert is to contact the customer to provide assistance. In order to do that, the sales associate must be notified to contact the customer and he of course has to make a choice of whether or not to assist such customer. Applicant further argues that Szlam does not disclose the operating and recommending steps of claim 70. In response to Applicant’s arguments, Szlam discloses a database that is available to the sales associates in order to operate and recommend sales materials such as documents, images, URL, etc.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald Laneau whose telephone number is (571) 272-6784. The examiner can normally be reached on 5:30 - 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Ronald Laneau  
Primary Examiner  
Art Unit 3627

7/21/06

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